

## Woodstock Zoning Board of Appeals - Minutes

Tuesday, March 25, 2014

Public Hearing – 7:00 p.m.

Town of Woodstock Town Hall, Lower Level, Meeting Room B

### I. Public Hearing

a. Call to Order – Meeting was called to order by Chairman Martin Nieski at 7:21 p.m.

b. Roll Call – Suzanne Woodward, Robert Laurens and Martin Nieski.

Absent: Ken Ebbitt, William Brower

Others present: Tina M. Lajoie, ZBA Clerk and Paul Terwilliger, L.S., on behalf of the applicant

#### c. **14-03 Linda Cambareri, Lot C-43 Big Horn Ln., (Map 7272, Block 34, Lot C-43) - relief from Article IV, A.2 - Side yard setbacks and Article IV, B.2. a.v. (septic setback).**

(It was noted that there is a quorum with only three ZBA members, however the state statutes do not allow for any variance to be approved without a vote of four members. It was decided by the Board and the applicant to move forward with the opening of the Public Hearing with the understanding that it would be continued to the April 22, 2014 date to allow for a quorum of four members. The audio will be provided to the members before the next meeting.)

The legal notice is read for the record by Chair Nieski. Paul Terwilliger, L.S. and principal of PC Survey Associates is representing the applicant, Linda Cambareri. He states that this is a 7,600 square foot lot that is part of the Bungee Lake District and was created prior to zoning and the lot does not conform to the current zoning regulations since it does not meet the minimum of 2.5 acres. The applicant is proposing a house and cannot meet the current zoning setbacks. The zoning regulations due allow for a reduction of the front yard setback (Page 49, Art IV, B.1.vii) and this front yard setback average within 10% calculates to 41 foot minimum and the current proposal shows 41.5 feet. The zoning regulations require at least 20 feet from the boundaries of adjacent properties (i.e., the side and rear setbacks). They also require that all parts of a subsurface sewage disposal system be set back at least 20 feet from all property lines. The applicant is proposing:

- the house at 15.5 feet from the eastern boundary or a 4.5 foot variance;
- the deck which is adjacent to the house at 15 feet from the western boundary or a 5 foot variance;
- the septic system at 13.5 feet from the eastern boundary line for the primary system for a 6.5 foot variance;
- the reserve septic system from the eastern boundary at 11 feet for a 9 foot variance;
- the reserve septic system at 10 feet from the southern (front) boundary line for a 10 foot variance.

He states that this is an existing wooded lot with no development on it currently. A two bedroom log cabin with a loft is being proposed. The neighbor to the west has encroached over the years on the left side with their deck being about 1.5 feet off the boundary line. The property to the east side had a home that was demolished and a slab still exists without any structures. There were no responses from any abutters that Ms. Lajoie had received. Notices of mailing were confirmed. The house on the west side is occupied and currently for sale, according to Mr. Terwilliger. The dwelling itself would meet the setback on the left side without the porch being constructed. There is discussion on septic system design. The lot is sloped toward the lake and the septic system shouldn't be in this area since this could present a problem under the wetlands regulations. There is a community well across the street and it is over 75 feet from the septic system. This has not been approved by NDDH yet as they have not gone through a full design process for submission. The elevations and grades have not been completed yet. A walk-out basement is proposed. As discussed, the public hearing

will be kept open until the April 22<sup>nd</sup> regular meeting date to allow the absentee members a chance to voice any concerns and ask questions of the applicant after listening to the audio. No formal motion is necessary. ZBA agrees to continue the public hearing to the regular meeting of April 22, 2014.

II. **Monthly Meeting**

III. **Designation of alternates - None**

IV. **Review of minutes – February 25, 2014**

Ms. Woodward states that her recollection of the meeting was that Mr. Adams stated on the record that he still plans to build an apartment but he would just call it something different. Ms. Woodward will be looking for clarification from the Building Official and Zoning Enforcement Officer as to what would be allowed and how a summer kitchen is defined. She questions department consistency with similar situations in the past. There is further discussion on this subject that will ultimately need clarification from the ZEO and/or Building Official.

**MOTION BY SUZANNE WOODWARD TO APPROVE THE MINUTES OF 02-25-2014, SECONDED BY ROBERT LAURENS. MOTION CARRIED UNANIMOUSLY.**

V. **Unfinished Business – Public Hearing continued**

VI. **New Business – None**

VII. **Other**

VIII. **Correspondence & Bills**

1. Zoning handout concerning zoning;
2. Invoice for legal notice results for Linemaster - \$36.75 (Signed by Chair Nieski without a vote).

IX. **Citizen's Comments – None**

X. **Adjournment – 7:46 p.m.**

**MOTION TO ADJOURN BY ROBERT LAURENS, SECONDED BY SUZANNE WOODWARD. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk  
Zoning Board of Appeals